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July 21, 2014

Via ECF

Hon. Vincent L. Briccetti  
United States District Judge  
United States Courthouse  
300 Quarropas Street, Room 630  
White Plains, NY 10601

Re: *Goldstein, et al. v. Solucorp, et al.*  
Case No. 7:11-cv-06227-VB

Dear Judge Briccetti:

We represent Plaintiffs in this matter, and write in accordance with Local Civil Rule 37.2 concerning the refusal of defendant Richard Greene ("Greene") to appear for deposition. As the court may recall, Greene is currently serving a prison sentence for 18 months in the Federal Correctional Institution-Miami ("FCI-Miami"). Greene, a now-disbarred attorney who is representing himself *pro se* and has personally appeared in this action, moved for a stay during his term of incarceration, which the court denied. Upon Plaintiffs' application under Rule 30(a)(2)(B), this court Ordered that Greene submit to deposition while in prison.

Following the court's Order, my office contacted FCI-Miami to arrange Greene's deposition. We were told by Greene's prison counselor that even with the court's Order, the prison could not compel him to appear if Greene refused, but that she (Greene's counselor) would ask him to submit. We were subsequently contacted by Greene's prison counselor and told that Greene refuses to submit for deposition in this matter.



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Accordingly, we ask the court to allow Plaintiffs to file a motion to strike Greene's answer and for other appropriate relief, pursuant to Rules 37(b)(2)(A) and (d)(3) of the Federal Rules of Civil Procedure.

Respectfully,

Robert L. Lash

Cc: All Counsel of Record

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